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June 7, 2022

The Honorable Frederic Block, U.S.D.J.
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

United States v. Gene Borrello

16 Cr. 474 (FB): VOSR

Reply to Government's Sentencing Memorandum

Dear Judge Block:

On behalf of my client, Gene Borrello, I respectfully write to Reply to the Government's Sentencing Memorandum dated May 16, 2022. On November 16, 2021, Mr. Borrello appeared before Your Honor and entered a plea of guilty to two counts of violating terms of his Supervised Release. The present charges stemmed from conduct committed by Mr. Borrello in July, 2021, when he violated two special conditions: (1) Refrain from participating in podcasts, radio programs and all similar internet shows discussing criminal activity, especially organized crime; and (2) Refrain from participating in all contact, directly or indirectly, with individuals named on a specific list provided by the government, or with their

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relatives. These special conditions had been formally imposed pursuant to a Court Order dated March 16, 2021. Sentencing is presently scheduled for Thursday, June 16, 2022 at 3:00 p.m.

The two Violations now before the Court were discussed in the Defendant's Sentencing Memorandum submitted on April 3, 2022. In that filing, we pointed out that Mr. Borrello has accepted responsibility for the charged conduct, which occurred in June, 2021. But we stressed that since early autumn, 2021, Mr. Borrello has consistently made earnest efforts to abide by the special requirements of his release. Indeed, more than nine months have passed since the present charges were lodged against Mr. Borrello. During that time he has renounced the Mafia-related podcast activity complained of herein, and has gone out of his way to avoid prior associates who had been bedeviling him for his role as a Cooperator with the Government. As noted in our previous sentencing submission, since agreeing to plead guilty, he has abided by the provisions limiting his access to social media and the internet. Instead, he has devoted his attention to working, getting mental health treatment, and developing a constructive relationship with his present girlfriend.

The Government's Memorandum acknowledges that the instant violations occurred nearly a year ago, but nonetheless it devotes two pages recounting certain prior bad acts for which Mr. Borrello already served time in jail. In particular, the Government's Memorandum focuses on arguments and threats exchanged between Gene and his Ex-girlfriend and her husband. Suffice it to say that Mr. Borrello already took responsibility for these fights with his Ex and her husband – (both of whom were well-known to him for years) – even though he felt they were fomenting ugly attacks against him, in order to denounce his cooperation with the

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Government. As the Court may recall, in his March, 2021 plea of guilty to violating his terms of supervised release, Mr. Borrello took responsibility for the surly fights with his Ex and her husband, and was sentenced to 120 days in jail by Your Honor. Although he recognized his own guilt, he spent the next months in jail feeling distressed, because he had no way to protest against the countless insults and outrageous taunts that were being heaped on him, and sent as ‘screen-shots’ to his Mother and other people close to him, as well as the media. In this regard, he felt that the Government and Probation Department exhibited little interest in the difficulties of re-adjusting into the community while he was widely labeled as a “rat” by Mafia members and the Mob-infatuated media (such as “Gangland News.”). He felt he had very little defense against such savage attacks.

It appeared to be widely known to everyone Mr. Borrello had ever met that he had helped the Government convict at least twenty members and associates of La Cosa Nostra. That he was assailed by an avalanche of very vicious and scornful attacks could not have been a surprise to the Government. Nevertheless, instead of showing any interest in how a major cooperator might be coping in such highly hostile surroundings, the Government was chiefly concerned about Gene’s observance of the rules governing his use of the internet.

Thus, in its submission to the Court regarding this VOSR, the Government relies upon reports from the Ex-girlfriend that Gene was threatening her once again, commenting that “Borrello did not go a month before – again – violating the terms of his supervised release set forth in the Court’s Order dated March 26, 2021”. See Government’s Letter, (GL), p. 3. Notably, however, neither the

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Government nor Probation ever inquired about the situation vis-à-vis his Ex that Mr. Borrello faced after he was released from jail for his prior VOSR. Had they done so, they might have heard Gene's perception that the Ex-girlfriend and her husband were actively trying to rile things up again, once they learned he had been released from jail. In any event, in September 2021, Gene conferred with counsel and thereafter took deliberate steps to avoid any further contact with the toxic pair. Since that time he has had no contact with them.

Ever since he entered this guilty plea some eight months ago, Gene has been assiduously trying to follow the terms of Supervised Release. For the reasons set forth in the defendant's Sentencing Memorandum dated April 3, 2022, as well as the discussion herein, we respectfully request that Mr. Borrello be permitted to continue on Supervised Release, to permit him to demonstrate to the Court that he can successfully abide by the requirements of Supervised Release.

Respectfully Submitted,

Nancy Lee Ennis

Nancy Lee Ennis

Cc:

A.U.S.A. Matthew Galeotti
Lee Kwok, U.S. Probation